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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 08/997,489 | 12/23/1997 | CHARLES L. DENNIS | 51410-P003US | 1370 |
| 27517 | 7590 | 01/27/2004 | EXAMINER | |
| FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201 | | | RUDY, ANDREW J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 08/997,489 | DENNIS, CHARLES L. |
| | Examiner Andrew Joseph Rudy | Art Unit 3627 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 98-100, 106-112, 117, 120-123 and 125 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 98-100, 106-112, 117, 120-123 and 125 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 98-100, 106-112, 117, 120-123 and 125 are pending. Applicant cancelled claims 1-97, 101-105, 113-116, 118, 119 and 124. Applicant's December 23, 2003 Amendment has been entered. Applicant is correct in that the previous Final Rejection is premature. Further, the previous rejections from the Final Rejection are withdrawn pursuant to Applicant's REMARKS from the December 23, 2003 Amendment. The Examiner regrets these errors. Thus, the Final Rejection mailed May 9, 2001 is withdrawn.

Claim Rejections - 35 USC § 103

2. Claims 98-100, 106-112, 117, 120-123 and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al, US 6,331,972.

Harris discloses a system for processing financial data for transmission in which customers, e.g. 452, user wireless devices, e.g. Figs. 30-32, with a merchant for correlating the financial data with the customer information to select individual profiles to facilitate the transaction of funds within a geographic area for a point-of-sale device, e.g. Fig. 3. Harris does not explicitly disclose the term customer nor displaying a list of point-of-sale device locations. However, to have provided the term customers for buyers and displaying a list of point-of-sale device locations for Harris, would have been obvious to one of ordinary skill in the art. Doing such would implement a common knowledge term for that of a buyer as information of this type

is customarily known in advertising and also is the type of information contained in a traditional type wallet, e.g. directions to varied locations of a product/service that is offered. The motivation for doing such would be advertising slogans and the varied use of making a pitch for a product using varied terms to identify the entities purchasing the merchants good/services and electronically digitizing information that is customarily contained in ones wallet.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

